IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CIVIL APPLICATION NO.2718 OF 2004

In

WRIT PETITION NO.446 OF 2000

Shri Prabhakar Bhaskar Kale : Applicant

V/s.

The Union of India & Ors. : Respondents

...

Mr.R.S.Sapkal for the applicant.

Mr.Suresh Kumar with Mr.K.B.Rao for respondent no.1.

Mr.R.M.Patne, Asstt. Govt. Pleader, for resp. nos.2 & 3.

...

CORAM : S.RADHAKRISHNAN &
S.A.BOBDE, JJ.

November 3, 2004.

P.C.:

1. Rule, returnable forthwith.

Mr.Suresh Kumar for respondent no.1 and Mr.Patne, learned Asstt. Govt. Pleader, for respondent nos.2 & 3 waive service.

Heard by consent.

2. By this Civil Application, the applicant is seeking recall of the order dated 3.7.2002 whereby the above Petition was dismissed in default. For the reasons stated in the Civil Application, sufficient cause is made out for recalling the order dated 3.7.2002. There is no case of inaction, negligence or want of bona fides on the part of the applicant.

3. Accordingly, the rule is made absolute in terms of prayer clauses (a) and (b). Writ Petition no.446 of 2000 be placed on board for final hearing on 13.12.2004.

Sd/-

(S. RADHAKRISHNAN, J.)

Sd/-

(S.A. BOBDE, J.)